

DOCKET NO. 11470BAUS01U (NORT10-00350)

PATENT

Customer No. 33000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Alireza Abaye, et al.
Serial No. : 09/577,292
Filed : May 23, 2000
For : CALL ADMISSION CONTROL
Group No. : 2616
Examiner : Anh Vu H. Ly

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal.”¹

STATUS OF THE CLAIMS

Claims 1-12, 14-43, 45-61 and 63-65 are pending in the present application.

Claims 1-12, 14-43, 45-61 and 63-65 have been rejected.

¹ Applicant assumes Applicant’s claim amendments mailed on December 12, 2006 responding the claim objections newly raised in the final office action mailed October 12, 2006 have been entered – as the Advisory Action mailed January 17, 2007 fails to state that the amendments have not been entered.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1-10, 14-17, 19-41, 45-46, 48-61 and 63-65 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cheung (US Patent No. 6,515,964) in view of Key (US Patent No. 6,084,955). The Applicant respectfully submits that the claims are non-obvious over the proposed combination.

Independent Claims 1, 32, 61 and 63 recite method, apparatus and article in which a throughput measurement request is transmitted in response to a received call request that causes a trace to propagate via a path between the origination terminal and the destination terminal, and in response to the trace, information is received identifying one or more network resources on the path. A performance characteristic of the identified one or more network resources is monitored to generate throughput measurement on the path, and transmitting a call admission response when the throughput measurement at least substantially matches the throughput requirement of the received call request.

Applicant agrees that Cheung's gateways do accumulate network performance parameters (Cheung, Col. 5, lines 65 thru Col 6, lines 4; Col. 7, lines 34-39; Col 8, lines 42-50), however, this description does not disclose (or even appear to be materially relevant to) either (1) transmitting a throughput measurement request . . . causing a trace to propagate via a path between the origination and destination terminals, or (2) in response to the trace, receiving information identifying a network resource(s) on the path. In fact, Cheung appears to monitor global or overall parameters of a network (current and projected "traffic," call delay, packet loss, error rate) upon which to base the call admission decision. Cheung, Col. 7, lines 14-33; Col 8, lines 42-50. As a result, Cheung fails to describe or contemplate the need to identify which path (within the packet network) the data packets

will traverse between the source and destination (in the packet network). This appears to be irrelevant to Cheung – only the overall network operating characteristics seem important. In contrast, Applicant additionally teaches that it is important to identify which network resources (e.g., gateways, routers, paths, links, terminals, etc.) will be utilized in the path(s) between the origination terminal and destination terminal. With this information, the Applicant is able to make the call admission decision for the anticipated path (or paths) of the call.²

The Office Action argues that because Keys generally describes measuring the load between two nodes, it necessarily follows that Keys discloses that “a packet must traverse the path for determining the utilized capacity” citing Keys Col. 3, line 61 through Col. 4, line 10. See, Office Action, page 4. Such conclusion, or more appropriately, such “assumption,” is not supported by the Keys disclosure. Keys fail to identify how the “load” is measured.³ There is no description or indication that (1) Keys’ measured “load” is determined in response to a throughput measurement request causing a trace to be propagated between the origination and destination terminals, or (2) Keys’ network manager receives, in response to the trace, information identifying a network resource(s) in the path between the origination and destination terminals. Thus, the asserted teachings of Keys, as well as the proposed combination with Keys, is not well-taken.

In sum, upon a detailed review of Cheung and Keys, each reference fails to disclose or describe at least two elements (as identified above) of independent Claim 1 (and independent Claims 32, 61 and 63, as well as the dependent Claims), and neither of the references, taken alone or in

² The Office misunderstands (see, Advisory Action, continuation sheet) Applicant’s arguments set forth in its response to the final office action. Applicant’s argument is directed to the “teachings” (or lack thereof) in Cheung – and more precisely, why those teachings in Cheung do not support an obviousness rejection: (1) no motivation to combine the two references, and (2) even if combinable, the two combined references do not disclose all elements of the recited claims.

³ Similarly, the Office again appears to misunderstand (see, Advisory Action, continuation sheet) Applicant’s arguments set forth in its response to the final office action. Applicant’s argument is directed to the “teachings” (or lack thereof) in Keys – and more precisely, why those teachings in Keys do not support the

combination, teach or suggest the Applicant's claimed invention.

The Advisory Action (continuation sheet) additionally argues, in general, that Keys monitors the load on the transmission path between the transmitting and receiving nodes, and hence, "a packet must traverse the path for determining the utilized capacity and the load of the path is monitored according to the request for a connection to traverse between nodes 5 and node 4." See, Advisory Action, continuation sheet. Nothing in Keys discloses, teaches or suggests: (1) transmitting a throughput measurement request in response to a received call request causing a trace to propagate via a path between the origination terminal and the destination terminal, and (2) in response to the trace, receiving information identifying (one or more) network resources on the path between the origination and destination. Though, arguably, data packets do traverse between nodes 4 and 5, such data packets are unrelated to a specific received call request seeking call admission. In addition, Keys does not disclose, teach or suggest that a trace is propagated between the origination and destination in response to the received call request, or that information is received (identifying network resources on the actual path) in response to the trace.

The combination of Cheung and Keys simply does not disclose, teach or suggest the claimed invention. Accordingly, the Applicant respectfully requests the Office withdraw the § 103(a) rejections of Claims 1-10, 14-17, 19-41, 45-46, 48-61 and 63-65.⁴

obviousness rejection.

⁴ With respect to the rejections of dependent Claims 11-12, 18, 42-43, 47 and 66, none of the secondary references cure or include the noted deficiencies in the Cheung and Keys references.

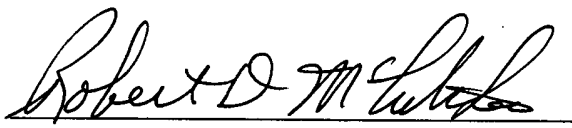
As a result of the foregoing, the Applicants assert that the remaining Claims in the Application are in condition for allowance, and respectfully request allowance of the Claims. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: _____

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Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: rmccutcheon@munckbutrus.com